

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RYAN DEAN and DANA MOORER,
Plaintiffs,

v.

STATE OF CALIFORNIA DEPARTMENT
OF SOCIAL SERVICES, KERN COUNTY
HUMAN SERVICES, KIM JOHNSON,
DENA MURPHY, TREZELL WEST,
JACQUELINE WEST, ANNA ZAVALA-
GARZA, and DOES 1-10, inclusive,
Defendants.

No. 2:22-CV-01054 JAM-JDP

**ORDER DENYING PLAINTIFFS'
MOTION FOR RECONSIDERATION**

Before this Court is Plaintiffs' Motion (ECF No. 78) for Reconsideration of the Court's October 25, 2023, Order granting Defendants' motions to dismiss (ECF No. 77).¹

First, Plaintiffs' Motion is dismissed because Plaintiffs failed to comply with the Court's Order re Filing Requirements. See ECF No. 3-2. That Order requires that "counsel contemplating the filing of any motion . . . shall first contact opposing counsel to discuss thoroughly . . . the substance of the contemplated motion and any potential resolution." The Order

¹Plaintiffs request for oral argument is denied. The Court finds that this Motion is suitable for decision without hearing under E.D. Cal. L.R. 230(g).


1 also requires the moving party to include a statement in the
2 notice of motion attesting that the meet and confer requirement
3 has been met. Plaintiffs did not comply with any of these
4 requirements.

5 Second, the Court finds that Plaintiffs are not entitled to
6 an order amending or vacating the Order granting the motions to
7 dismiss. Under Federal Rule of Civil Procedure 60(b)(6),
8 Plaintiffs have the burden of demonstrating that this motion for
9 reconsideration is warranted due to new or different facts or
10 extraordinary circumstances justify amending or vacating the
11 order. See Fed. R. Civ. P. 59(e), 60(b); E.D. Cal. L.R. 230(j).
12 Plaintiffs have failed to meet their burden.

13 In their motion and supporting papers, Plaintiffs fail to
14 set forth any new facts to support their arguments. Plaintiffs
15 also repeat several arguments in this motion that were previously
16 raised and rejected in their opposition to Defendants' motions to
17 dismiss. The Court further adopts, in their entirety,
18 Defendants' arguments set forth in their oppositions to
19 Plaintiffs' Motion herein. ECF Nos. 81, 82.² For all these
20 reasons, Plaintiffs' motion for reconsideration is denied.

21 IT IS SO ORDERED.

22 DATED: December 6, 2023

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25 JOHN A. MENDEZ
26 SENIOR UNITED STATES DISTRICT JUDGE

27 ²Plaintiffs did not file any reply briefs in support of their
28 motion, which this Court views as a concession to the merits of
Defendants' oppositions.